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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,551	12/08/2003	Charles R. Hardt	BCS03198	1509
27774 7590 08/24/2007 MAYER & WILLIAMS PC 251 NORTH AVENUE WEST 2ND FLOOR WESTFIELD, NJ 07090			EXAMINER SALCE, JASON P	
			ART UNIT 2623	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/730,551

Applicant(s)

HARDT ET AL.

Examiner

Jason P. Salce

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-?? are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Gastaldi (U.S. Patent No. 7,158,185).

Referring to claim 1, Gastaldi discloses receiving the video signal (**see Column 4, Lines 24-27 and Column 10, Line 65 through Column 11, Line 7 for the DHCT 16 receiving the video signal**).

Gastaldi also discloses inserting a unique digital signature in a vertical blanking interval of the video signal (**see Column 11, Lines 7-11 for inserting the stored subscriber information (the unique digital signature) from the DHCT's system memory 249 (see Column 10, Lines 45-48) into the vertical blanking interval of the video signal**).

Referring to claim 2, Gastaldi discloses inserting the unique digital signature into the vertical blanking interval of the video signal when the video signal is in analog form (**see again Column 11, Lines 7-11 for insertion of the subscriber information into**

the vertical blanking interval (an analog portion) of a video signal). *The examiner further notes Column 11, Lines 43-53 clearly states that the device (RF output system 248) that converts the received video signal to an analog (RF) output is used to insert the unique digital signature (subscriber information) into the vertical blanking interval. Therefore, Gastaldi clearly teaches that the unique digital signature is inserted into the vertical blanking interval of the video signal when the video signal is in analog form.*

Referring to claim 3, Gastaldi discloses inserting the unique digital signature into the vertical blanking interval of the video signal before forwarding the video signal to any user equipment (**see again Column 11, Lines 43-53**).

Referring to claim 4, Gastaldi discloses that inserting the unique digital signature into the vertical blanking interval of the video signal in a set-top box (**see the rejection of claim 1 and Column 1, Lines 15-25**).

Referring to claim 5, Gastaldi discloses converting the video signal into an analog form before inserting the unique digital signature into the vertical blanking interval of the video signal (**see again Column 11, Lines 43-53 for the signal being converted by the RF output system 248 into an analog signal so that the unique digital signature from system memory 249 can be inserted into the vertical blanking interval of an analog video signal**).

Referring to claim 6, Gastaldi discloses that the unique digital signature identifies a receiver that receives the video signal (**see Column 10, Lines 30-43 for the unique digital signature identifying the subscriber, whom is the receiver that receives the video signal**).

Referring to claim 10, see the rejection of claim 1.

Referring to claims 11-12, see the rejection of claims 7 and 5, respectively.

Referring to claim 13, Gastaldi discloses MPEG XPORT DEMUX/PARSER 200 and Digital Video Decoding system 210 in Figure 2A, which receives and decodes the video signal into a digital bit stream (**see Column 6, Line 48 through Column 7, Line 25**). Gastaldi further teaches inserting the unique digital signature into a place in the digital bit stream that corresponds to vertical blanking interval of an analog video signal represented by the digital bit stream after the digital bit stream is converted into an analog form (**see Column 14, Lines 32-41 for Gastaldi solving the problem of PID remappers and the possibility of stripping PIDs and consequently destroying the trace to the illegal copyist by implanting the subscriber information into a copy protected packet, or embedded in the MPEG stream as data and as its own packet, therefore teaching insertion into a portion of a digital bit stream that is representative of the VBI because the packets and or portion of the MPEG signal is not displayed to the viewer**).

Referring to claim 14, see the rejection of claim 1 and 13.

Referring to claims 15-16, see the rejection of claims 5 and 9, respectively.

Referring to claim 17, see the rejection of claims 1 and 3 and further note that Gastaldi teaches that the unique digital signature in system memory 249 (**see Column 10, Lines 45-49**) and that the teletext generator is represented by the RF output system at Column 11, Lines 43-53.

Referring to claims 18-20, see the rejection of claims 2, 5 and 13, respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gastaldi (U.S. Patent No. 7,158,185) in view of Kamperman et al. (U.S. Patent Application Publication 2005/0177875).

Referring to claim 6, Gastaldi discloses the claim limitations of claim 1, but only teaches that the unique digital signature inserted into the video signal represents information related to a subscriber/user. Gastaldi also teaches that the device used to

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playback the received video data is a set top box (**see Column 1, Lines 15-25**).

Gastaldi also teaches that alternatively, the subscriber ID information may just be a number or other designation recognized by the head end 11, however, Gastaldi is not specific as to the number designating a set-top box identification number.

Kamperman teaches attaching a **unique screening device** identifier to content material during import of the content material (**see Paragraph 0009**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the subscriber ID information received by a set top box/DHCT, as taught by Gastaldi, to include a unique identifier of an importing/screening device, as taught by Kamperman, for the purpose of making it possible to identify the screening/importing device/application that was used to import a given content material, thus advantageously be used if it is determined that a given content material was imported illegally thereby giving the possibility of generating/maintaining a list, database, etc., of import devices that have been used for illegal/illicit purposes (**see Paragraph 0011 of Kamperman**).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gastaldi (U.S. Patent No. 7,158,185) in view of Schriebman (U.S. Patent No. 6,895,166).

Referring to claim 8, Gastaldi discloses all of the claim limitation of claim 1, but fails to teaching that the unique digital signature includes a uniform resource locator.

Schriebman discloses a system used to insert various types of data into the vertical blanking interval of a video signal, wherein the data includes URLs (**see**

Column 5, Line 25 through Column 6, Line 10 for creating command file used to specify where various data (including URLs at Column 6, Lines 8-10) is to be included in the VBI of a video signal and Column 6, Lines 19-31 for using the command file to insert the data into the closed captioning area (VBI) of the video signal).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the unique digital signature, as taught by Gastaldi, to include URLs, as taught by Schriebman, for the purpose of providing an effective and inexpensive method and apparatus to add control data to the underlying video image data (**see Column 2, Lines 21-23 of Schriebman**).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gastaldi (U.S. Patent No. 7,158,185) in view of Ivehammar (U.S. Patent Application 2002/0015107).

Referring to claim 9, Gastaldi discloses all of the claim limitations in claim 1, and further teaches that the DHCT 16 can display the subscriber identification information (**see Column 7, Lines 48-52**), but fails to teach that the display function is performed in response to an activation of a teletext function of the DHCT 16 display device.

Ivehammar discloses displaying closed caption/teletext data in response to the user activating a teletext function on his/her remote control (see Paragraph 0028).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the video signal output functionality of the DHCT 16,

as taught by Gastaldi, to include the teletext activation functionality, as taught by Ivehammar, for the purpose of the process of selecting a page of the text based information service can be made considerably simpler and more reliable (**see Paragraph 0007 of Ivehammar**).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce
Primary Examiner

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August 17, 2007

*Jason
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